

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- CIVIL ACTION NO. 07 CV 9389 (JSR)
DONALD HEIMSTAEDT and TODD KORTE,

Plaintiffs,

-against-

PREM.AIR NEW YORK, LLC, PREM.AIR
GROUP OF NEW YORK, LLC, PREM.AIR
GROUP, LLC, MCQUAY NEW YORK, LLC,
GEORGE KOUTSSOS, ERIC BERKOWITZ,
MCQUAY NEW YORK, LLC 401(K) PROFIT
SHARING PLAN, and XYZ TRUSTEES OF THE
MCQUAY NEW YORK, LLC 401(K) PROFIT
SHARING PLAN,

**STIPULATION OF DISMISSAL
PURSUANT TO
FRCP 41(a)(1)(A)(ii) AND
NOTICE OF DISMISSAL
PURSUANT TO FRCP 41(a)(1)(A)(i)**

Defendants.

THIS MATTER, having been amicably adjusted by and between the parties, it is hereby stipulated by and between plaintiffs, Donald Heimstaedt and Todd Korte, and defendants, Prem.Air Group of New York, LLC, Prem.Air Group, LLC, McQuay New York, LLC, George Koutsos, Eric Berkowitz, McQuay New York, LLC 401(K) Profit Sharing Plan and XYZ Trustees of the McQuay New York, LLC 401(K) Profit Sharing Plan, that the above matter in controversy, inclusive of all claims, be and hereby is dismissed with prejudice and without costs against any party, pursuant to FRCP 41(a)(1)(A)(ii).

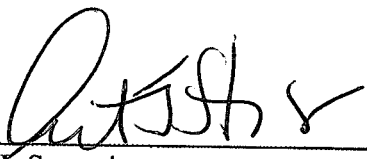
PLEASE TAKE FURTHER NOTICE that Plaintiffs, Donald Heimstaedt and Todd Korte, hereby voluntarily dismiss the above matter in controversy, inclusive of all

claims, with prejudice and without costs against non-answering and non-appearing defendant, Prem.Air New York, LLC, pursuant to FRCP 41(a)(1)(A)(i).

LAW OFFICES OF
ARTHUR J. SEMETIS, P.C.

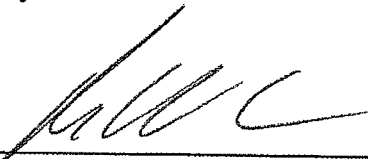
Attorneys for Defendants, Prem.Air Group of
New York, LLC, Prem.Air Group, LLC,
McQuay New York, LLC, George Koutsos,
Eric Berkowitz, McQuay New York, LLC
401(K) Profit Sharing Plan and XYZ Trustees
of the McQuay New York, LLC 401(K) Profit
Sharing Plan

By: _____


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COLE, SCHOTZ, MEISEL,
FORMAN & LEONARD, P.A.
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By: _____


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Dated: August 18, 2008
New York, New York